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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,458	09/30/2003	Michel Chevanne	Q77711	2008
23373 7590 09/08/2011 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER HUSSAIN, TAUQIR				
ART UNIT 2452		PAPER NUMBER		
NOTIFICATION DATE 09/08/2011		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/673,458

**Applicant(s)**

CHEVANNE ET AL.

**Examiner**

TAUQIR HUSSAIN

**Art Unit**

2452

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 July 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(g).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  
NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_  
Claim(s) objected to: \_\_\_\_\_  
Claim(s) rejected: 1-6 and 9-17.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

/THU NGUYEN/  
Supervisory Patent Examiner, Art Unit 2452

/T.H./

Continuation of 11, does NOT place the application in condition for allowance because: In the remarks filed on 07/28/2011, applicant argues that Chari does not disclose the primary data representing the element in the level to which said element belongs without any specific attachment to any level higher than said element...., secondary data representing the element within the level to which said element belongs and the element's connection to a level higher than or equal to the level of said element in the hierarchy. Examiner respectfully disagrees, firstly because the claim is written in alternative form, therefore examiner chose the first limitation and disregards the limitation after "or", further "Chari" clearly shows in Fig.14, that the primary data (right side of the window pane does not contain any information higher, equal or lower than itself. In other words it is the end of MIB tree and no further information can be extracted below it, and the relationship of the system information, i.e. right part of the fig. 14, is distinguishable because on the right it shows no attachment and on the left the system information is part of a menu that shows attachment for the micron and NF9000 family. The attachment being that it is in the same menu. Thus the right part shows the distinction between elements and relation to the levels. Regarding the limitation "...that belong to a designated level and to levels lower than said equipment when a request designating a chosen level of a network equipment with attachment is received. The retrieval of the primary or secondary data is shown in Col 4: 42-47, 52-61 where data is retrieved from a management information base (MIB) which defines the system and components in the system. Furthermore, looking at Fig. 14, once the system information icon is clicked, all of information (primary data) has to be retrieved from memory and displayed. Thus accessing and extracting primary data. Please note that Chari discloses that when an icon on the left or the right is clicked the child branch is displayed (Col 16: 10-15), in the display as shown in Fig. 14, the equipment shown, i.e. attached equipment is displayed (Fig. 14, right part of the screen). Secondary data being i.e. system information, cooling subsystem, power subsystem, cpu subsystem are at the same level etc. have a relationship with higher level i.e. NF9000 family and "micron". The right side of the window represents / contains the primary data. Applicant further argues that, Chari does not disclose, accessing and extracting at least one of the sets of primary and secondary data of the elements of the equipment. Examiner respectfully disagree as Chari clearly teaches this aspect of invention in Col.4, lines 42-47. Upon receiving a data request by a user, the SNMP manager opens one or more SNMP sessions and formulates a proper information request for SNMP agent. The SNMP manager is the client and the SNMP agent is the server, and Col.4, lines 51-61, The MIB is a hierarchical collection of variables and the description of each variable related to the hardware and software components of the network. Applicant further argues that, Toyoshima does not disclose wherein the data of the elements is displayed after realigning position data of the data of the elements or after the end of procedure. Examiner first points out that claim is written in alternative form i.e. "after realigning position data of the data of the elements or after the end of procedure", thus examiner needs to show either one of the said limitations and not both. Examiner has cited the teachings of Toyoshima, Fig.5, Col.8, lines 29-44, it is further noted that in Col.10, lines 24-33, when a system administrator designates (clicks) a subordinate organization other than the lowest ones in the displayed organizational map, at step 114 (S114), the database access module 224 creates organizational information (i.e., general organizational attributes, including organizational codes (organizational numbers), locations, responsible persons (chiefs) of subordinate organizations and the like, in which a system administrator may be interested), and displays it on the display device 200 via the GUI module 222. Regarding the limitation "wherein said management means refreshes the data of the elements displayed in the event of receiving a message reporting that an event relating to said elements has occurred within the network". Chari shows that variable can be changed by the user and when an apply button is pressed, i.e. refreshing, then the corresponding change is displayed (Col 16: 53-63, Col 17: 1-10). Thus "refreshes the data of the elements..." also as Chari claims in claim 6, means for updating the status of said component corresponding to said modified operational parameter which is updated every five seconds according to one embodiment Col.15, lines 20-27. For any other detail please see office action mailed on 05/19/2011.